REMARKS/ARGUMENTS

Claims 1-4, 6-20, 22-34, 36-39 and 41-46 are pending in this application. Claims 1-3, 9-14, 16, 17, 23, 25, 30, 33, 34, 36, 38, 39, 43, and 44 are amended. Claims 45 and 46 are new. Claims 1, 17, 33, 34, 39, 44, 45, and 46 are independent. Applicant respectfully requests the reconsideration and allowance of all pending claims in view of the following remarks.

REJECTION UNDER 35 U.S.C. § 103

In Section 2 on pages 2-7, the Office Action rejects claims 1-4, 6-20, 22-34, 36-39, and 41-44 under 35 U.S.C §103(a) as allegedly being unpatentable over U.S. Patent No. 7,143,153 to Black et al. ("Black") in view of U.S. Patent No. 6,834,304 to Nisbet et al. ("Nisbet"), and in further view of U.S. Patent No. 6,088,688 to Crooks et al. ("Crooks"). Applicant respectfully traverses this rejection.

Claims 1, 17, and 33 recite that "if the utilization is above the corresponding specified threshold for at least one said resource, checking a timer associated with the resource tracker, and generating an alarm if the timer has expired" (emphasis added). This subject matter finds support in the published version of the specification in, for example paragraph [0030].

As described in paragraph [0030] of the specification, "when the connection resource tracker determines that a resource is above its specified threshold, the resource tracker determines if a timer associated with the resource has expired." If the timer has expired, the resource tracker generates an alarm. If the timer has not expired, the resource tracker does not generate an alarm. This feature ensures that the connection resource tracker will not generate repeated alarms for a resource as new call connections are established.

Applicant respectfully submits that Black fails to disclose, teach, or suggest the claimed subject matter quoted and described above. Black describes the use of a

"sampling timer", which is associated with a sampling frequency. Black, Column 167, Lines 49-64. "At the appropriate sampling frequency, the TML retrieves each resource attribute value from the corresponding application and checks the resource attribute value against a threshold rule and other variables retrieved from the Dynamic Threshold table." Id.

Thus, the "sampling timer" is not used to ensure that repeated alarms are not generated by making the system wait a preset duration between generating alarms. Rather, the "sampling timer" used in Black is simply the frequency at which the system gathers resource attributes from various applications in the system.

Applicant respectfully submits that Nisbet and Crooks fail to disclose, teach, or suggest the claimed subject matter quoted above. In both references, there is no mention of the use of a timer or the ability to ensure that unnecessary alarms are not repeatedly generated.

Accordingly, Applicant respectfully submits that Black, Nisbet, and Crooks fail to disclose, teach, or suggest that "if the utilization is above the corresponding specified threshold for at least one said resource, checking a timer associated with the resource tracker, and generating an alarm if the timer has expired," as recited in independent claims 1, 17, and 33. Claims 1, 17, and 33 are therefore allowable based at least on the failure of Black, Nisbet, and Crooks to disclose this subject matter. Claims 2-4 and 6-16 are allowable based at least on their dependencies from claim 1, while claims 18-20 and 22-32 are allowable at least on their dependencies from claim 17.

Claims 34, 39, and 44 recite, "if the utilization is above the corresponding specified threshold for at least one said resource, checking whether a flag associated with the resource indicates that an alarm has recently been generated for the resource; and wherein if the flag does not indicate that the alarm has recently been set, a step of generating an alarm is carried out and a flag is set to indicate that an

alarm has recently been generated." This subject matter finds support in the published version of the specification in, for example paragraph [0033].

As described in paragraph [0033] of the specification, "when the connection resource tracker determines that a resource is above its specified threshold, the resource tracker determines whether a flag associated with the resource indicates that the alarm has already been generated for that resource." If the flag does not indicate that the alarm has been set, then the connection resource tracker generates an alarm and sets the flag to indicate the alarm has recently been generated; otherwise an alarm is not generated. Furthermore, if the utilization of the resource is not above the specified threshold, the flag is cleared so that it indicates that an alarm has not been recently generated. By utilizing flags to keep track of alarm generations, the system ensures that the connection resource tracker will not repeatedly generate alarms for a resource as new call connections are established.

Applicant respectfully submits that Black fails to disclose, teach, or suggest the claimed subject matter quoted and described above. Black describes the use of flags to indicate if the user may change certain profile attributes. Black, Column 48, Lines 60-65. "[A] flag may be set to indicate that the user is not allowed to change his/her password, and an account disable flag may be set to disable a particular profile/account." Id. Thus, the flags used in Black are not used to ensure the unnecessary repetition of alarms.

Although Black does disclose a method to suppress false alarms, this is done by using both a "rising and falling" threshold. Black, Column 1, Lines 51-64. "The resource attribute data gathered within the network device is evaluated against a fixed expression including both a rising and a falling threshold." Id. "That is, instead of sending a notice each time an attribute value is above or below a threshold, notices are only sent in accordance with the expression after both thresholds have been crossed." Id. Although Black's method does reduce the

amount of alarms generated, it does so using a method greatly different from the method of using alarms or flags used in the present system. Additionally, by generating alarms only when both upper and lower thresholds are reached, it eliminates the main feature of the present system, that is, to notify the operator when the system is either over or under utilized.

Applicant respectfully submits that Nisbet and Crooks fail to disclose, teach, or suggest the claimed subject matter quoted above. In both references, the use of flags is not to ensure the unnecessary generation of alarms when a minimum or maximum threshold is reached.

Accordingly, Applicant respectfully submits that Black, Nisbet, and Crooks fail to disclose, teach, or suggest that "if the utilization is above the corresponding specified threshold for at least one said resource, checking whether a flag associated with the resource indicates that an alarm has recently been generated for the resource; and wherein if the flag does not indicate that the alarm has recently been set, a step of generating an alarm is carried out and a flag is set to indicate that an alarm has recently been generated," as recited in independent claims 34, 39, and 44. Claims 34, 39, and 44 are therefore allowable based at least on the failure of Black, Nisbet, and Crooks to disclose this subject matter. Claims 36-38 are allowable based at least on their dependencies from claim 34, while claims 41-43 are allowable based at least on their dependencies from claim 39.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claims 1-4, 6-20, 22-34, 36-39, and 41-44 under 35 U.S.C §103(a) be withdrawn.

NEW CLAIMS

New claim 45 recites "if the utilization is above the corresponding specified threshold for at least one said resource, checking a timer associated with the

resource tracker, and generating an alarm if the timer has expired." As described in further detail above with reference to claims 1, 17, and 33, the publications of record fail to disclose, teach, or suggest this subject matter. Thus, Applicant respectfully submits that claim 45 is allowable.

New claim 46 recites "if the utilization is above the corresponding specified threshold for at least one said resource, checking whether a flag associated with the resource indicates that an alarm has recently been generated for the resource, and, if the flag does not indicate that the alarm has recently been set, generating an alarm and setting a flag to indicate that an alarm has recently been generated." As described in further detail above with reference to claims 34, 39, and 44, the publications of record fail to disclose, teach, or suggest this subject matter. Thus, Applicant respectfully submits that claim 46 is allowable.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

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